MONTANA LEGISLATIVE HISTORY

Chapter 148 19 67

Bill H _____ S 145 Original bill & history ____C

H. Committee on State Admin			S. Committee on State Admin		
Hearing Date(s)	2-17	✓C	Hearing Date(s)	2-6	✓C
	_____	____C		_____	____C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	_____	____C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

1967 SENATE STATE ADMINISTRATION

BILL NO.	ENTERED COMM.	OUT OF COMM.	DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CONCURRED IN	BE CONCURRED IN AS AMENDED	BE NOT CONCURRED IN
SB 2	1-5	1-18-67	x					
SB 11	1-6	1-13	x					
SB 12	1-6	1-13	x					
SB 15	1-9	1-18	x					
SR 1	1-6	1-24						
SB 19	1-10	1-18	x					
SB 22	1-10	1-30	x					
HB 12	1-12	1-16				x		
SB 29	1-12	1-25		x				
SB 60	1-14	1-23		x				
SB 61	1-14	2-6			x			
SB 64	1-17	1-30			x			
SR 6	1-17	1-20		Trans. to Finance and Claims				
SB 18	1-17	2-8		x				
SB 85	1-18	2-3			x			
SB 104		2-6		x				
HB 7	1-21	2-1				x		
SB 134	1-20	1-30			x			
SB 139	1-20	1-31		x				
SB 145	1-20	2-6	x					
SB 146	1-20	2-6	x					
SB 158	1-21	1-25	x					
SB 17	1-21	2-8		x				

February 6, 1967

Chairman James presided at a meeting of the State Administration committee on the above date at 8:30 a.m. in Room 410. All members were present.

Senator James introduced the guests, the Junior and Senior classes of Joplin High School together with their teachers and chaperones.

SENATE BILL 61 was further considered by the committee. Mr. William Scribner, attorney for the Montana Liquor Control Board, asked the members to reconsider the suggested pay raise for the Assistant Administrator and the Chief Accountant. He was then excused.

SENATE BILLS 145 and 146 were then considered by the committee. Senator Henry Hibbard, sponsor, introduced Gareth Moon, State Forester. Maps were used to illustrate the needs of the Forest Service. Mr. Moon stated the Forest Service is (1) anxious to provide adequate protection against fire; and (2) the average landowner has been receiving this fire protection from the forest service, but this is a method for everyone to pay instead of just those few landowners who sign the affidavit for protection. After a general question and answer session, Mr. Moon and the interested parties were excused.

After general discussion by the members of the committee, Senator Haughey moved SENATE BILL 145 DO PASS. Senator McKeon seconded and motion carried.

SENATE BILL 146 was moved DO PASS by Senator McKeon. Senator Mackay seconded and motion carried.

Amendments to SENATE BILL 61 were discussed by the committee. Senator Mackay moved the assistant administrator be changed to $10,000 per annum. Senator Judge seconded and motion carried with Senators Rosell, Haughey dissenting, and Senator Nees abstaining.

Senator Mackay moved the chief accountant be raised to $9,000. Senator McKeon seconded and motion carried with dissenting votes by Senators Rosell, Haughey, and Nees.

Senator Mackay moved SENATE BILL 61 AS AMENDED DO PASS. Senator Judge seconded and motion carried.

Without objection the meeting was adjourned.

SENATOR JAMES, Chairman

1967

STATE ADMINISTRATION COMMITTEE

40th Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	
S B 100 **Mitchell, Sample et al**	Fees and charges for use of State Parks deposited in fund for Fish and Game	1/29/67	2/6/67		2/15/67	Be concurred in	signed
SB 134 **Deschamps et al**	Compensation of member of State Soil Committee	2/4/67	2/10/67		2/10/67	Be concurred in	signed
SB 145 **Hibbard et al**	Classification of private forest land for fire protection purposes	2/11/67	2/17/67		2/17/67	Be concurred in	signed
SB 146 **Hibbard et al**	Requirement for creation of Forest Fire Protection Dist.	2/10/67	2/17/67		2/17/67	Be concurred in	signed
SB 158 **James, McKeon**	Employees in 6th and 7th class counties compensated under PERS Act.	2/1/67	2/15/67		2/17/67	Be concurred in	signed
SB 185 **Lehrkind, Rostad**	Amend Water wells contractors liciense act.	2/2/67	2/17/67		2/22/67	not Be concurred in	killed

☐ DO PASS
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

February 6 1967

MR., PRESIDENT:

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 145

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 28-109, OF THE R.C.M. 1947, RELATING TO THE STATE BOARD OF FORESTRY; TO PROVIDE FOR THE CLASSIFICATION OF ADDITIONAL LANDS FOR FIRE PROTECTION PURPOSES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Respectfully report as follows: That SENATE Bill No. 145

The meeting of the State Administration Committee was called to order by Chairman Richard A. Nutting. Excused was Frank Jurcich, with all other members present.

Senator Henry Hibbard introduced Garth Moon, state forester, to testify in behalf of Senate Bills 145 and 146.
Mr. Moon said this began in 1939 and all lands are protected whether state, federal, or county. Farmers and Ranchers pay 10¢ an acre on Class 1 lands and 3¢ an acre on Class 2 lands. In 1962 the United States Forest Service exposed some two million acres which would no longer be protected. This bill would lower the 75% requiremer of land owners needed to sign up for this protection down to 51%. Also, there will be a Class 3 if this bill is passed, which will consist of ranch buildings and lands along highways, roads and rivers.

Mr. Marbut: A person can get in, but can he get out?

Mr. Moon: Yes.

Senator James chief sponsor of Senate Bill 158 explained that this bill was to exempt nurses nurses and employees of privately owned nursing homes from having deductions taken out of their checks under the PERS system.

Senator Siderous introduced Senate Bill 209 of which he was the principal sponsor. This bill is to have examiners of the credit unions appointed by State Bank examiner.

Mr. Bardanouve: Will these auditors be qualified people?

Mr. Siderous: Yes, the bank examiner will designate whether they are qualified or not.

Robert Heath of the Montana Water Well Drillers testified in behalf of Senate Bill 185. This bill is to make the board a 5-man board instead of the present 3-man board. This board has made good progress, as water well drillers have to be licensed and the wells that are drilled are superior to the ones that used to be drilled by unlicensed drillers.

Mr. Bardanouve: When the first bill on water well drillers was passed was this in 1961?

Mr. Heath: Yes.

Mr. Marbut moved that Senate Bill 2 "Be Concurred In". Motion carried, with 9 in favor and 3 opposed.

Mr. Rygg moved that Senate Bill 11 "Be not concurred in". Motion carriec

Mr. Rygg moved that Senate Bill 12 "Be not concurred in". Motion carriec

Mr. Bardanouve moved that Senate Bill 145 "Be concurred in", motion carried.

Mr. Newby moved that Senate Bill 146 "Be concurred in", motion carried with nine in favor and one opposed.

Mr. Bardanouve moved that Senate Bill 209 "Be concurred in", motion carried with seven in favor and six opposed.

Mr. Doty moved that Senate Bill 158 "Be concurred in", motion carried.

With no further business, the meeting was adjourned.

☐ DO PASS
☐ DO NOT PASS
☒ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE: REPORT

February 17, 19 67

MR. ~~XXXXXXX~~ SPEAKER:

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 145

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 28-109, OF THE R.C.M. 1947, RELATING TO THE STATE BOARD OF FORESTERY; TO PROVIDE FOR THE CLASSIFICATION OF ADDITIONAL LANDS FOR FIRE PROTECTION PURPOSES; AND TO PROVIDE FOR AN EFFECTIVE DATE."

Notice.

from the time it is filed with the county clerk for record, is constructive notice of the contents thereof to subsequent purchasers and mortgagees; and a certified copy of any such recorded conveyance may be recorded in any other county, and when so recorded the record thereof shall have the same force and effect as though it was of the original conveyance. *Further, every conveyance and/or encumbrance of real property acknowledged or proved, and certified, and recorded as prescribed by law, and which is executed by one who thereafter acquires an interest in the said real property by a conveyance which said conveyance is constructive notice as aforesaid, is, from the time such latter conveyance is filed with the county clerk for record, constructive notice of the contents of such earlier conveyance and/or encumbrance to subsequent takers, purchasers, mortgagees, or other encumbrances or transferees.*"

After-acquired interest.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved: February 24, 1967.

CHAPTER 148

An Act to Amend Section 28-109, R.C.M. 1947, Relating to the State Board of Forestry; to Provide for the Classification of Additional Lands for Fire Protection Purposes; and to Provide for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 28-109, R.C.M. 1947, is hereby amended to read as follows:

Duty of owner to furnish fire protection.

"28-109. **Duty of owner of classified forest land.** Every owner of forest land classified as such by the board is hereby required to furnish protection against the starting or existence, and to suppress the spread, of fire on such land during the full period of each forest fire season defined by this act. Such protection and suppression shall be in conformity with reasonable rules and standards for adequate fire protection to be prescribed by the board.

Protection not provided by owner—remedy.

If such owner does not provide for such protection and suppression, said board may provide the same, at a cost to the land owner of not more than ten cents (10c) per acre per year for Class I land and not more than three

cents (3c) per acre per year for Class II land and in the event thereof, the owner of such land shall pay to the county treasurer of the county in which such land is situated, the charge for the same approved by the board, in accordance with the provisions of this act. No other charges shall be assessed those landowners participating, except in cases of proven negligence on the part of the landowner or his agent.

Negligence of landowner.

The forest land of Montana shall be classified for protection and assessment purposes as follows:

Classification of forest land.

(a) Class I Land. Shall include all forest land primarily suitable for production of timber, forest land primarily suitable for joint use for timber production and the grazing of livestock as a permanent or semipermanent joint use or as a temporary joint use during the interim between logging and reforestation.

Class I.

(b) Class II Land. Shall include all lands primarily suitable for grazing or other agricultural purposes, which are intermingled with or contiguous to the land described in subsection (a), above.

Class II.

(c) Class III Land. Shall include lands primarily suitable for grazing or other agricultural purposes including structures and improvements which are within the forest fire protection areas but not meeting the detailed definitions of lands described in subsection (b), above. These lands may only be listed for payment when requested by the landowner at rates determined by the state forester and shall be submitted to the county assessor for collection and disposition as provided in Section 28-111."

Class III.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved: February 24, 1967.

CHAPTER 149

An Act Amending Section 28-105, R.C.M., 1947, to Require That Before a Forest Fire Protection District May be Created a Hearing Shall be Held After Notice Given to All Owners to be Affected and to Require Approval Thereof by No Less Than 51% of the Owners Represent-